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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,824	10/20/2003	Jeff Muir	2006579-0066	6224
69665 CHOATE HA	7590 06/15/2007	EXAMINER		
TWO INTERN	ALL & STEWART / CITRIX SYSTEMS, INC. NATIONAL PLACE A 02110		SWEARINGEN, JEFFREY R	
BOSTON, MA			ART UNIT	PAPER NUMBER
			2145	· · · · · · · · · · · · · · · · · · ·
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			MAIL DATE	DELIVERY MODE
			06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/689,824	MUIR ET AL.				
Office Action Summary	Examiner	Art Unit				
	Jeffrey R. Swearingen	2145				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period was period to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 22 M	arch 2004.					
2a) This action is <b>FINAL</b> . 2b) This	This action is <b>FINAL</b> . 2b) This action is non-final.					
,—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)  Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5)  Claim(s) 1-21 is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on 20 October 2003 is/are: Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	a)⊠ accepted or b)⊡ objected drawing(s) be held in abeyance. Sec ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)				
2) Notice of References Ched (PTO-992)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate				

### **DETAILED ACTION**

#### Allowable Subject Matter

- · 1. Claims 1-21 are allowed.
- 2. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).
- 3. The following is a statement of reasons for the indication of allowable subject matter: Applicant's claimed subject matter is substantially the same as Application 10/068,790, which this application is a continuation from. Application 10/068,790 passed to issue as patent 6,691,157 on 2/10/2004.

## **Double Patenting**

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-21 are rejected on the ground of nonstatutory double patenting over claims 1-24 of U. S. Patent No. 6,691,175 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Claim 1 of patent 6,691,175 recites:

A method of remotely interacting with an application executing on an application server, the method comprising:

Retrieving a first page from a first node;

Displaying the first page using a network browser;

Receiving the selection of a hyperlink on the first page;

Retrieving from the first node in response to the selection of the hyperlink, a network configuration file comprising information for establishing a communication link between a client agent and the application server;

Executing the client agent utilizing information contained in the network configuration file; and

Communicating with the application using the client agent.

Claim 1 of the instant application recites:

A system for making a hypermedium page interactive, the hypermedium page displayed by a network browser, the system comprising:

A client node executing a browser application, said browser application displaying a hypermedium page including a hyperlink identifying an application;

A network server transmitting, in response to selection of said hyperlink, a network configuration file to said client node, said network configuration file corresponding to said identified application;

A client agent executing on said client node, said client agent establishing, responsive to data in said configuration file, a communications link with an application execution server hosting said application,

Wherein said application execution server executes said hosted program and transmits application output to said client agent for display without intervention by said browser application.

Claim 11 is a method claim, which is equivalent to claim 1 of the instant application.

Claim 21 is an article of manufacture claim, which is equivalent to claim 1 of the instant application.

In the instant application, Applicant claims the functions of the client within the web browser. The patented claims are the same functions on a network level treated for remote access.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

#### Conclusion

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. \*\*\*.
- 7. This application is in condition for allowance except for the following formal matters:
  A response to the double patenting rejection or filing of an appropriate terminal disclaimer is necessary.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone

Supervisory Patent Examiner

Art Unit 2145

**JRS**